

Subject
Freedom of Information Act (FOIA), Policy

For
EMPLOYEE HANDBOOK

Also See
PT-03029;
Act No. 442, PA 1976

| | |
|-----------------------|-----------------------------------|
| Identification | 5/116-5/117 ET-03015 Policy |
| Effective | 5-1-2001 Page 1 of 2 |
| Replaces | ET-03015 (4-1-95) |

Page 5/116

Purpose

The purpose of the Freedom of Information Act (Public Act 442 of 1976) (FOIA) is to:

1. Provide for public access to certain public records.
2. Permit the public agency to charge a fee to cover search and duplication costs.
3. Prescribe powers and duties of certain public officers and public bodies.
4. Provide remedies for persons wrongfully denied access to public records.
5. Provide penalties for agencies denying such access.

Process

Upon receiving a request for information under the FOIA, **immediately** forward request to the FOIA Analyst, Executive Office, according to Procedure PT-03029, page 5/118 in the Employee Handbook. The FOIA Coordinator must respond immediately, if possible, or not more than five business days after date the request is received, in one of the following ways:

1. Grant and fulfill the request.
2. Deny the request in writing and state the reason for denial. Inform the person requesting information that he or she may appeal the request in writing to the State Treasurer or commence court action. The requester will be compensated for attorney fees and for damages if he or she prevails in court.
3. Grant the request in part (deny request in part). Include the preceding information pertaining to the part denied.
4. Issue a notice extending the period of response by 10 business days, only if a voluminous amount of material must be examined, or if needed records are located in several field offices. The notice must state reason for the extension and when the Department will respond.

Subject

Freedom of Information Act (FOIA), Policy

Identification

5/116-5/117

ET-03015

Policy

Effective

5-1-2001

Page 2 of 2

*Page 5/117***Exemptions**

Information exempt from the statute includes:

1. Records specifically exempt by statute.
2. Some advisory-type memos between departments, within the department or to the Governor (or other state officials).
3. Records which, if released, would result in invasion of personal privacy.
4. Some law enforcement investigation records.
5. Social security numbers.

Fees

Fees for processing a FOIA request are:

1. Duplicating - Photocopying costs are based on an average departmentwide cost of \$.10 per page. This per-page fee is for each one-sided copy whether it relates to multiple copies of the same page or to each page of a multiple-page document. The fee for copies of cancelled warrants is \$4.25 per warrant.
2. Mailing - Postage, insurance and other charges for the shipment of requested material are based on actual cost.
3. Labor - Labor charges are based on the hourly wage (including fringe benefits) of the lowest paid employee capable of retrieving the information necessary to comply with the FOIA request.

End